

**Daniel Town Council Meeting  
and Public Hearings on Budgets  
Monday, June 1, 2015 at 6:00 PM  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Council members Eric Bunker, John Glodowski and Kasey Bateman were present when Mayor Turner called the meeting to order at 6:01 PM. Council member Blotter arrived at 6:05 PM. Treasurer Sherri Price was present and Lynne Shindurling was present to record the minutes.

Members of the public in attendance were: Derek Gressmen, Thomas N. Sproule, Kim Norris, Ryan Simpson, Pam Skinner, Merry Duggin, and Ryan Taylor.

**1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA**

There was none.

**2) PUBLIC HEARING TO OPEN THE 2014-15 BUDGETS TO ALLOW CHANGES IN REVENUES AND EXPENSES. POSSIBLE ADOPTION OF AN AMENDED 2014-15 BUDGET**

*Council member Glodowski moved to go out of regular session and open the public hearing regarding amendments to the 2014-15 budgets, which was seconded by Council member Bateman. The vote was unanimous to open the public hearing.*

Mayor Turner directed the council's attention first to the proposed budget amendment for the Water Enterprise Fund. Clerk Shindurling pointed out that although the budget was approved a year ago, there is an addition error in the total expenditures column and it should be \$28,350 rather than \$28,050. However, this will not affect current year actual figures as of June 1, 2015 or those figures showing expected revenues and expenses incurred by fiscal year-end at June 30, 2015. The budget amendment was reviewed by the Council.

Council member Bunker inquired whether there is a category for a "slush fund" for upgrades in the water system as time progresses. It was pointed out that the category titled "Material and Supplies, storage shed, meters" would provide monies for some supplies. With repairs occurring from time to time and an intention to expand the system, also taking town growth into consideration, Council member Bunker would like to see more monies set aside in the coming year.

The Council then reviewed the proposed amendment to the General Operations Budget. Mayor Turner cursorily went over the figures. Ms. Shindurling pointed out an increase in the fund balance of \$105,016 between the original budgeted amount and the proposed amendment.

***With no further discussion, Council member Glodowski moved to close the public hearing, with a second by Council member Blotter. A motion followed by Council member Glodowski to go back into regular session, which was seconded by Council member Bateman. Unanimous “aye” votes brought the meeting back into regular session.***

**Mayor Turner asked for a motion to adopt both proposed budget amendments. Council member Blotter moved for such action by the Council, seconded by Council member Glodowski. The motion passed unanimously.**

**3) PUBLIC HEARING CONCERNING 2015-16 TENTATIVE BUDGETS PRESENTED ON MAY 4, 2015, ADJUSTMENT AND POSSIBLE ACTION BY THE COUNCIL TO ADOPT FINAL BUDGETS FOR FISCAL YEAR 2016.**

***Council member Glodowski moved to go out of regular session and into the public hearing to discuss the new fiscal year budgets for 2015-16, seconded by Council member Blotter. The motion passed unanimously.***

Mayor Turner turned the Council’s attention first to the Water Enterprise Operating Budget. In reviewing the proposed budget figures, Council member Bunker reiterated he’d like to see an increase in the category of “Material and Supplies” to at least \$5,000. Kim Norris stated with the \$30,000 revenue in water connections in this fiscal year, he would like to see that category increase by at least \$10,000. Sherri Price indicated the monies are in the water fund and could be carried over to next year’s budget. Merry Duggin advised the Council that the purpose for an enterprise fund is to show you whether you’re operating in the black or the red. Further discussion led the Council to increase the Material and Supplies category to \$13,000 and carry over \$10,000 from this year’s budget to the next fiscal year.

Kim Norris and Ryan Taylor spoke about how much chlorine is on hand currently. The \$400 was left in knowing a new tank of chlorine will be purchased soon. A raise for Joyce Anderson was suggested, and it was decided that the payroll expenditure budgeted for could accommodate a raise for her. Council member Blotter would like to know approximately how many hours a week she actually puts in on DMW work. There were no further changes discussed on the Water Enterprise Fund.

Next Mayor Turner reviewed with the Council the General Operations Budget for 2015-16. Council member Bunker brought up HB 362 regarding an increase in the fuel tax, with a second component allowing counties and municipalities to put on a local ballot whether the voters would like to participate in an additional increase in sales tax. Ms. Shindurling stated the Heber City Recorder is in discussion with Wasatch County and informed Daniel Town they don’t know if they’re going to put it on the November ballot. Ms. Shindurling has prepared a sample resolution provided by the Utah League of Cities & Towns with appropriate wording for Town of Daniel to review and discuss at a future Council meeting.

Ms. Shindurling discussed the impact fees listed on the current year's expenditures, which is the impact fees analyses performed by Epic Engineering. She inquired if the Council would like a new category on the revenue side of the budget for new building occurring in the town for the next fiscal year. A revenue line item for impact fees collected of \$12,000 was added after discussion by the Council. When discussing payroll expense, Council member Blotter suggested holding a public hearing to discuss current wages paid to elected and appointed officials and employees to be noticed and held in July in conjunction with the Council meeting. He would like an idea of the time spent by people in various positions when considering a wage increase.

The line item of Highways and Streets Repair & Maintenance was increased from the figure in the tentative budget of \$110,000 to \$160,000. At the request of Council member Blotter, Ryan Taylor will enumerate the projects he feels can be accomplished under the budgeted figure at the July meeting and the subject will be readdressed. A priority for the coming year will be a project dropped from last year's road maintenance list due to lack of funds. Council member Bateman inquired about Big Hollow Road and whether it is on the list to be accomplished. Because of a dispute on the rights-of-way with the county and homeowners along the road, it has been removed from the Daniel list of roads needing improvement.

The final budget to be considered for adoption is the Storm Haven Water Enterprise Fund. Since the tentative budget was presented to the Town Council in May, the amount to be contributed by Daniel Town under the CDBG grant was raised from \$6,000 to \$8,000 and is newly reflected on the proposed budget. Several other categories have been increased from the tentative budget to try to better reflect expenses expected.

Council member Blotter inquired about the number and configuration of septic tanks within the Storm Haven area. Mr. Taylor explained there are both individual home septic systems on Crazy Acres and Tammy Lane, and a community septic sewer system within the Storm Haven area around Cove Lane. He recommends pumping of all septic tanks within Storm Haven upon the take-over by Daniel Town this summer.

Council member Bunker asked about the fuel source for a generator at the pump house, with the options being natural gas, diesel fuel, or propane. Mayor Turner suggested adding this as a discussion for the July Council meeting. Kim Norris stated the fuel source will also be used during the winter months in the pump house, and the pressurized pump by the tank has a heater in it for colder months.

Under the payroll category, discussion was had regarding a salary to be paid to Joyce Anderson for doing the billing as well as meter readers, those individuals responding to leaks or problems. This will be addressed in a public hearing concerning all wages.

Inquiry was made by Kim Norris of the rates paid by Storm Haven residents for water versus those people on the Daniel Municipal Water system. It's considered apples to oranges until Daniel officials become more familiar with available water and water shares owned by

residents under both systems. Council member Bateman asked if it wouldn't be a fairer calculation to have all residents at a standard rate in the two different water systems. Mayor Turner would like to leave the rates as they are currently being billed and make an adjustment down the road, if necessary.

Merry Duggin reminded the preparers of the budget that the \$8,000 being contributed to Storm Haven Water must be shown on the General Operating Budget of the Town as an expenditure and a revenue source on the Storm Haven Enterprise budget.

***No further discussion being had, Council member Blotter moved to close the public hearing regarding the fiscal year 2015-16 budgets. The motion was seconded by Council member Glodowski and passed unanimously and the public hearing was closed and the meeting went back into regular session.***

***Mayor Turner asked for a motion to approve the three budgets for next year. Council member Blotter moved to approve them, which was seconded by Council member Glodowski. The motion passed unanimously.***

Mayor Turner read the short title of Resolution DR-2015-06-01A dealing with the amendments to the budgets for FY 2014-15. ***Council member Glodowski moved for the Council to adopt the resolution, with a second by Council member Bateman. The resolution passed unanimously.***

The Mayor then read the short title of Resolution DR-2015-06-01B dealing with the adoption of budgets for FY 2015-16. ***Council member Blotter moved to adopt the resolution, which was seconded by Council member Glodowski. The resolution passed unanimously.***

#### **4) BUSINESS LICENSE APPLICANTS**

Council member Bunker stated a renewal application had been received for Express Wave LLC, approved by the Council. A new application for Simpson Fence was received with the appropriate fee. Mayor Turner inquired if fencing materials would be stored on the property. Mr. Simpson stated he plans to put in a gravel road to the rear of the property on the west side and keep a work truck but store no inventory on site. The license was approved by the Council.

#### **5) PLANNING DEPARTMENT REPORT**

Before Director Bunker presented his report for the month, Council member Blotter asked that Derek Gressmen and Thomas Sproule be allowed to speak regarding their properties off of Little Sweden Road and what the options are for a legal road so they may build homes on the rear acreage. They have reconfigured their home locations on the lots to try to accommodate the building of a road with the available frontage. Ryan Taylor stated under the present Daniel Code the road must be asphalted. With a length of 750' the cost of such a road

here is prohibitive to the owners. Mayor Turner stated the Council is considering new code addressing different road standards.

Another issue on their particular properties is fire suppression, how far away they are from a fire hydrant. Installing their own fire suppression system may require a larger waterline to be installed. These owners request new road standards be passed so their building can move along. Council member Bunker stated code amendments are due by July and submission of a code amendment application could allow inclusion of this item on the June 17<sup>th</sup> Planning Commission agenda. Council member Blotter suggested Mr. Gressmen research the current requirements on a county level to have further information afforded review by the P.C.

Planning Director Bunker produced correspondence he has had with Mark Smedley, counsel for Gerald Smith, regarding Mr. Smith's property between 3000 South and Teancum Road. He stated he has given them several options to provide acceptable frontage in order to divide the property into two lots. The Council reviewed the letters. Mr. Taylor suggested the Council review the language in the code regarding "continuous frontage" to make it reflect the Town's desire regarding frontage.

Mr. Bunker then reported the Planning Commission had given Gloria Montgomery's Storm Haven Plat A Lot #17 a variance on the front to 45' to enable Wayne Mair, if he goes through with the purchase, to build a home on the lot. Building would need to begin within 12 months with a one-year extension possible.

Next on the planning report was a lot line adjustment on the Wilde property. Discussions with Cory Neerings at Legend Engineering have broken down and Mr. Bunker has informed them if they do not comply with the conditions enumerated by the Planning Commission, then they must start over in the process of adjusting the lot line. The survey performed by Epic Engineering on the property on 1200 West was in conformance with the Town's records.

Dog-at-large was discussed as far as Town Code in relation to Wasatch County enforcement within Town boundaries. Mr. Bunker stated when the County redid their code, dog-at-large is now listed as a Class B misdemeanor, which on the state level requires being booked into jail, finger printed, and released with a court date and fines attached. The ultimate question brought forth by the discussion of animal control is, is the Town of Daniel able to regulate themselves in enforcing their code in any respect. Why was the Town created if we cannot govern ourselves. This includes not only any interlocal agreements we have or have elected not to have with Heber City or Wasatch County, but also all of the land use ordinances in the code. Mr. Bunker stated the cost of a legal opinion regarding whether Daniel Town can follow its own ordinances or must follow Wasatch County's ordinances would cost the Town \$350.

Council member Bunker suggested the Council look at Title 5 in the Daniel Code to make sure the language follows the Town's intent. Mayor Turner would like the subject of self-

governance put on the agenda for July's Council meeting. Under the direction of Mayor Duggin, the Town of Daniel did not enter into an interlocal agreement with Wasatch County regarding animal control. However, the animal control officer in Wasatch County falls under the purview of the Heber City Police Department and does not take direction from the County.

Merry Duggin asked whether dogs in Daniel Town need to carry a license issued by Heber City. She would like some clarification. Under Mayor Duggin no license was required for dogs in Daniel. If they wander into Heber City, they can be picked up and the owner cited with a fine involved. Even when driven by a complaint from a citizen, Mr. Bunker stated the complaint should come to the Mayor of Daniel and not the County officials. Mayor Turner wants to speak with the Town's attorney for his opinion on the issue.

Director Bunker reported to the Council that the Planning Commission had initiated its review of a flag lot standard within the Town. They will continue looking at all repercussions/impacts that would follow if such were instituted. The Council can review the May 20<sup>th</sup> Planning Commission meeting minutes for specifics discussed thus far.

The Council briefly discussed the cutting of a road up the mountain at the end of Little Sweden Road owned by the heirs of Val Ellis. Council member Bunker mentioned if you disturb more than an acre of ground, the Division of Drinking Water should be involved, citing regulations must be followed in developing such a road. To get the Division involved after the fact, the matter would most likely not be pursued. No one had gotten permission from the Town of Daniel before the road was built.

Council member Bunker indicated he worked 21.5 hours this month on Blue Stakes matters.

## **6) REPORT ON CODE VIOLATIONS AND ENFORCEMENT**

Mayor Turner stated this is a new agenda item requested by the Council in the May Council meeting. Council member Bunker said the only complaint he followed up on was a report by a Storm Haven resident of cats living in an abandoned car at the back of her neighbor's property. Mr. Bunker could find no evidence of such and stated the windows on the car were up making the complaint unsubstantiated.

## **7) UPDATE ON ELEMENTARY SCHOOL IN DANIEL**

Wasatch School District has a meeting set up on June 10<sup>th</sup> to meet with the Mayor, Council member Bunker, and Ryan Taylor to discuss the purchase of two lots on Ranch Drive for potentially building an elementary school. A copy of SB 29 was produced to the Council to inform them of the requirements the district must meet when contemplating the building of schools within a municipality. Merry Duggin asked about the effective date of the bill wondering if the district needed to comply with this law or something previous since the property on Ranch Drive has been under contract to purchase for some time. The effective

date of the bill is listed as May 12, 2015. The Mayor will report on the outcome of the school district meeting at the July Council meeting.

Council member Bunker stated the Council and Town need to be familiar with the requirements, but must be sensitive to the confidentiality of the discussion in the meetings. You may become privy to information outside of that contained on a website on which the district has elected to share certain information.

When asked by Council member Bunker if the entire Town Council was invited to the June 10<sup>th</sup> meeting, Mayor Turner responded his understanding is they're inviting the same people who attended the previous meeting, which were the three from Daniel enumerated above, with the option of bringing the Daniel attorney as well. Daniel Town officials have elected not to have its counsel present, but counsel for the school district and the Daniel Estates HOA will be in attendance.

#### **8) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY**

No representative from the water company was present, but Clerk Lynne Shindurling reported 64 individuals had returned the agreements, signed or not, between the water company and Town of Daniel outlining the expectations of the Town.

#### **9) DISCUSSION OF POSSIBLE INTERNATIONAL BIKE RACE THROUGH DANIEL TOWN**

Mayor Turner reported he had been told of a bike race wanting to come through the Town of Daniel. Mike Davis with Heber City said they had been contacted and informed the promoter would be in touch with the Town with more specifics on where and when. Both the sheriff of Heber City and Mr. Davis indicated to Mayor Turner that the Town of Daniel could be held liable for any mishaps occurring to bikers as they pedaled their way through Town. Mayor Turner will ask the pertinent insurance questions when approached about the race, and also questions regarding traffic control, if needed.

#### **10) APPROVAL OF COUNCIL MEETING MINUTES OF MAY 4, 2015**

*Council member Bunker moved to approve the minutes of May 4, 2015 as written. The motion was seconded by Council member Glodowski and passed by unanimous "aye" votes.*

#### **11) DISCUSSION AND POSSIBLE RESOLUTION CONCERNING AMOUNT OF PREAUTHORIZED PURCHASES**

Council member Bunker expressed his opinion that neither a resolution nor an ordinance needs to be written. The Council may agree to amend the amount of purchases preauthorized by the Mayor. Council member Bateman suggested an amount of \$2,000. *Council member Blotter moved to approve an amount of \$2,000 preauthorized by the Mayor, which was seconded by Council member Bateman. The Council passed the motion with all "aye" votes.*

## **12) DISCUSSION AND POSSIBLE RESOLUTION CONCERNING ENROLLMENT IN STATE RETIREMENT SYSTEMS**

Mayor Turner mentioned this is a subject the Council has been considering for a couple of years. Council member Bunker, as a salaried employee of the Town, is eligible for State retirement benefits. A qualifying employee must work a minimum of 20 hours per week. He would like his Town compensation added towards his retirement fund as he works for another State agency as well. Treasurer Price has made introductory phone calls to the State and it was explained Mr. Bunker falls under the Tier 1 employees. The Council discussed the fact that other employees may request State benefits in the future and it would be an enticement to new people who would work enough hours for the Town to qualify.

***Council member Blotter moved that the Council approve a resolution to join the State Retirement Systems. The motion was seconded by Council member Glodowski. The vote to pass the resolution was "aye" votes from Council members Bunker, Glodowski, Bateman and Mayor Turner with a "nay" vote from Council member Blotter.*** Mayor Turner read the short title of Resolution DR-2015-06-01C, and it was signed off on according to the above vote.

## **13) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.**

Clerk Shindurling reviewed the General Town warrants with the Council. Bills for legal counsel were discussed as Storm Haven amounts being paid out of the contingency fund for the present time. On Daniel Municipal Water warrants she explained Gary Walton was requesting reimbursement for materials he purchased to repair a Town resident's fence which had been damaged during installation of his waterline. Daniel Municipal hourly employees are being paid out of the Enterprise fund presently even though they are reading Storm Haven meters for a couple of months.

A sample resolution supporting HB 362 was produced by the Clerk for the Council to consider before July's Council meeting. The ULCT is encouraging all cities and towns to let their county councils know whether they support part 2 of the bill enabling payment of additional sales tax to the county as well as all municipalities within. As written, the county governing body must support and bring before the voters on the November ballot a proposition to pass part 2, a municipality cannot do such on their own. This will be discussed again next month.

***Council member Blotter moved to approve the warrants as presented, with a second coming from Council member Bateman. The Council voted unanimously to approve the warrants.***

## **14) POSSIBLE CLOSED SESSION FOR DISCUSSION OF REASONABLY PENDING LITIGATION**

***Council member Blotter moved to leave the regular session of the Council meeting and go into closed session. The motion was seconded by Council member Glodowski, and the motion passed unanimously.***

(Only the Council members and clerk were present for the closed session.)

***Council member Blotter moved to go back into regular session and out of closed session. The motion was seconded by Council member John Glodowski and passed with unanimous "aye" votes.***

**15) ADJOURN**

***Council member Blotter moved to adjourn the meeting, seconded by Council member Glodowski. The motion passed by all "aye" votes and Mayor Turner adjourned the meeting at 9:55 PM.***

Lynne Shindurling  
Clerk/Recorder

Approved 7-06-2015